

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 6/12/02 Item #: 3.g.
C.C. 6/18/02

File Number
PDC02-01-008

Application Type
Planned Development Rezoning

Council District
06

Planning Area
South

Assessor's Parcel Number(s)
455-11-014

STAFF REPORT

PROJECT DESCRIPTION

Completed by: John W. Baty

Location: East side of Dow Drive approximately 250 feet northerly of Farm Drive

Gross Acreage: 4.3

Net Acreage: 4.3

Net Density: 3.7 DU/AC

Existing Zoning: A-Agriculture

Existing Use: 2 Single-family detached residences

Proposed Zoning: A(PD) Planned Development

Proposed Use: Up to 16 single-family attached residential units

GENERAL PLAN

Completed by: JWB

Land Use/Transportation Diagram Designation
Medium Low Density Residential (8 DU/Acre)

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: JWB

North: Single-family detached residential

A(PD) Planned Development

East: Open Space / Highway 87

A(PD) Planned Development

South: Single-family detached residential

RM-Residence and A(PD) Planned Development

West: Agriculture

A-Agriculture

ENVIRONMENTAL STATUS

Completed by: JWB

☐ Environmental Impact Report Pending
☒ Negative Declaration circulated on May 23, 2002 (To be adopted on June 11, 2002)
☐ Negative Declaration adopted

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: JWB

Annexation Title: Canoas No. 27

Date: November 24, 1998

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial
☐ Uphold Director's Decision

Date: _____

Approved by: _____
☐ Action
☒ Recommendation

APPLICANT/DEVELOPER

OWNER

Pinn Brothers Inc.
1475 Saratoga Avenue Suite
250
Saratoga, CA 95429

Cordie May Sharpe Trust
C/o Lois Dailey, Trustee
3080 Dow Drive
San José, CA 95126

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: JWB

Department of Public Works

Not attached.

Other Departments and Agencies

N/A

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Pinn Brothers, Inc., is proposing to rezone a 4.3 gross-acre site from A-Agriculture to A(PD) Planned Development to allow up to 16 single-family attached residential units.

The subject site is currently developed with a single-family house built in the late 1940's and a secondary dwelling unit built within the past few decades while unincorporated. The site takes access off of Dow Drive. The existing site has several large non-native trees surrounding the existing homestead. The site has moderate to steep topography ranging from nearly flat to approximately 30% slope.

Surrounding the site are single-family detached residential developments to the north and south. Open space and Highway 87 are to the east. Rural residential uses and agricultural land are located to the west across Dow Drive.

PROJECT DESCRIPTION

The proposed project consists of 16 single-family attached units. The proposed units are configured as a series of row houses connected in pairs. The project takes access from a new private street that extends from Dow Drive and runs parallel to Canoas Creek. A second, cul-de-sac street intersects the creek frontage road and serves units on the steep, upper portion of the site.

There are two types of units proposed including, a 3-story, 4-bedroom unit along the lower portion of the site and a 2-story, 3-bedroom unit near the top.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed in an Initial Study and a Mitigated Negative Declaration that was circulated on May 23, 2002. The Initial Study included a biotic assessment to address potential impacts to special status plant species, trees and the riparian corridor. Also conducted as part of the review was an historical evaluation, a noise assessment, and a geo-technical and geological investigation report. The mitigation measures identified in the Negative Declaration have been incorporated into the project to reduce potentially significant impacts to a less than significant level.

Dudleya

Biotic assessments of the site were conducted by H.T. Harvey and Associates in September 2001 and March 2002. The Santa Clara Valley dudleya, a special-status plant species federally listed as endangered, exists on the northeast corner of the project site. Thirteen such plants were identified in three separate locations growing on outcrops of serpentine rock. No development will occur in the northeast corner of the site, therefore there will be no impacts to the dudleya due to avoidance by the project. Details regarding the physical protection of the plant population will be included in the Planned Development permit. The developer has agreed to identify this area on plans as a preservation area and place a deed restriction or conservation easement over the preserve area.

Owls

Although no Burrowing Owls, shrikes or raptors were found on site during protocol level surveys, the developer has agreed to hire a qualified biologist to conduct pre-construction surveys to identify any birds or active nests. If birds or active nests are found the biologist will consult with the California Department of Fish and Game to develop an appropriate mitigation program.

Trees

The project includes eight ordinance size non-native trees as well as a several smaller trees. As a result of grading activities the smaller trees and two of the eight ordinance size trees will not be saved as part of this project, but will be mitigated by the planting of new trees in accordance with City standards.

Riparian Corridor

The project proposes a new frontage road with a riparian setback of 50 feet from Canoas Creek. This reach of Canoas Creek is a man-made, earthen-lined, moderately degraded flood channel approximately 50 feet wide and 10 feet deep. The creek was identified by the biotic consultant as a lower order riparian corridor with very little existing vegetation and no riparian trees or shrubs. The project proposes a riparian setback similar to other recently developed parcels, such as the Rubino property, which are also adjacent to Canoas Creek. The project includes mitigation to reduce project riparian corridor impacts to a less than significant level. Project conformance to the Riparian Corridor Policy is discussed below.

Geologic Hazards

The geo-technical report states that the site is suitable for the construction of the proposed development provided that the recommendations in the report are incorporated into the project plans and specifications. A Geologic Hazard Clearance was issued for the project on May 13, 2002.

Historic Resources

A historic report was prepared for the circa-1949 ranch-style single-story house and associated accessory structures that are currently existing on the site. Neither the house nor the related structures are listed, nor would they be eligible for listing on the City of San José Historic Resource Inventory. Loss of the existing house and structures would not be considered significant and no mitigation would be required.

Bay Checkerspot Butterfly

A small portion of project site (northeasterly corner) lies within an area around Communications Hill that is designated by the U.S. Fish and Wildlife Service as Critical Habitat for the Bay Checkerspot Butterfly (BCB). The City of San Jose opposed the designation of the Communications Hill area in letter

from the Mayor dated November 29, 2000. This opposition was based on the best scientific information available. There have been a total of 67 site surveys of Communications Hill areas since the mid-1980's. The surveys all concluded that the site is not currently, nor ever has been, occupied by the BCB. The studies reviewed the scientific evidence going back for 60 years and found no evidence of BCB occupation of the site. It is the City's position that there is no potentially significant environmental impact as the BCB does not occupy the site, which is therefore not project is

Traffic

The proposed 16-unit project will not result in a substantial increase in peak hour traffic trips in relation to the existing load capacity of the transportation system. Projects with less than 25 attached residential dwelling units are considered by the City to be exempt from the Transportation Level of Service Policy. This project will not have a potentially significant impact on traffic and mitigation is not required.

GENERAL PLAN CONFORMANCE

The proposed project has a net density of 3.7 DU/AC. This density is consistent with the site's General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC).

The project is consistent with the General Plan's Hillside Development Policies, which encourages the clustering of residential units to minimize grading activities, reduce the exposure of development to environmental hazards, and to maximize the preservation of natural resources in the hillsides. Pursuant to General Plan policy, the project proposes a frontage road adjacent to the creek to maximize the view of this amenity.

The City's policy on not discouraging development above the 15% slope line applies to the hillsides surrounding the outer fringe of the valley floor, not to areas within the middle City such as this site or nearby Communications Hill.

ANALYSIS

The primary issues associated with the proposed project are site design and grading, conformance to the Residential Design Guidelines, architecture, and Riparian Corridor Policy conformance.

Site Design and Grading

The proposed project is located on a hillside between two existing single-family detached residential developments to the north and south. Due to the combination of horizontal and vertical separation between the proposed project and the existing developments there are no direct interface issues. The project has no negative implications to the surrounding uses.

The project was designed with smaller setbacks to minimize grading and the need for large retaining walls in steeper areas. In addition, the units are designed to either step up or down the hill to minimize grading. Special narrower private street sections designed with a cross slope also help to further reduce grading impacts.

The proposed three-story unit type with a garage at the bottom floor and living space above is a compact design, which enables the substantial preservation of open space areas between units. The townhouse style unit provides just a small amount of private open space as appropriate for this setting. Large, flat rear yards have been avoided and shortened driveway aprons for upper units area provided to minimize grading impacts.

Retaining walls are generally necessary for the streets, but are substantially screened from off-site by the residential units. The narrow street section in conjunction with a modest cross slope, further help to reduce the height of the retaining walls.

This project includes two distinct unit types- a unit designed for placement on the lower road that steps up the hill and one for the upper road that steps up the hill. The resulting design avoids large pony walls (foundation walls) adjacent to the open slopes.

Riparian Corridor Policy Conformance

The project site is located adjacent to Canoas Creek along the southerly project boundary. Canoas Creek is a tributary to the Guadalupe River and subject to the City's riparian policies. The creek consists of a modified earthen-lined, moderately degraded flood control channel approximately 50 feet wide and 10 feet deep. A non-paved access road defines the top of bank on the project (north) side of the creek.

The biotic habitat survey observed that this portion of Canoas Creek does not support any riparian tree or shrub vegetation on site. Predominant vegetation consists of non-native, disturbance-oriented grasses and forbs. Several mature black walnut are growing on the project site approximately 25 feet from the top of bank. They were planted for shade and are not associated with the Canoas Creek channel. The riparian influence does not extend to 100 feet.

The design guidelines of the Riparian Corridor Policy generally do not apply to modified earthen channels when they contain little or no riparian value. Frontage roads are the preferred interface between new development and riparian corridors. Setbacks from the riparian corridor are the principle means of minimizing impacts associated with human activities. The Riparian Corridor Policy Study recommends a setback of 100 feet from the edge of the corridor for any new development. Exceptions to the 100-foot setback can be considered as long as the habitat protection objectives are achieved, with no less than 50 feet considered the minimum.

The project proposes a frontage road setback 50 feet from the riparian edge as determined by the biotic survey. No development is allowed within the 50-foot setback. Eight residential units are located on the north side of the frontage road and are oriented to provide views of the corridor. The project conforms with the intent of the Riparian Corridor Policy due to the modified earthen channel, presence of the existing access maintenance road, and the lack of riparian vegetation along the top of bank on both sides of the creek. The proposed 50-foot setback will protect the biological resources from the potential indirect effects associated with the proposed project. Details for restoration or landscaping potential within the setback will be coordinated with the Santa Clara Valley Water District as part of the Planned Development permit. The location for streetlights and other physical details will also be addressed at time.

Conformance to the Residential Design Guidelines

Rowhouse design standards, as identified in the Residential Design Guidelines were envisioned primarily for development on flat land, although its compact building footprint makes such units easily adaptable to urban and hillside setting such as on this site or areas such as Communications Hill. This project provides ample parking for residents and guests. The streetscape and architectural concept are consistent with the intent of General Plan policies and relevant RDGs. The only potential shortcoming is probably in the provision of private open space. The RDGs recommend 400 square feet of private open space per unit, but this project provides about 100 square feet. Common open space is not required for a project such as this with less than 20 units. This project provides a significant amount of common open areas, albeit such areas are more of a visual amenity as opposed to "useable" recreational areas. Given

the general sense of openness provided by the unencumbered hillside areas, more urban character of the proposed housing product and desire to minimize grading impacts, the amount of private open space proposed is probably appropriate in this instance. The decks and balconies are generally larger than would be required per the RDGs for a cluster-type-attached unit-housing product.

Architecture

The architectural concept proposed is that of a Mediterranean-style rowhouse. The design is well articulated and detailed with a good architectural relationship between architectural elements on various floors. The design of the more visible rear elevations was given special attention to avoid a massive appearance. Barrel tile roof materials and well-trimmed vertically oriented windows help to emphasize the Mediterranean style. Flower pot shelves and wrought iron balcony rails provide the appropriate detailing and finishing touches.

PUBLIC OUTREACH

A public hearing notice was distributed to all property owners and tenants within 500 feet of the subject site. The developer had a meeting with six neighbors on June 4, 2002. Staff were not notified of this meeting and did not attend. The loss of view for two residents in the new uphill project was the major issue according to the applicant.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval and the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The proposed rezoning conforms to the subject site's General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC).
2. The proposed project substantially conforms to the *Residential Design Guidelines*.
3. The project furthers the goals and objectives of the City's in-fill housing strategies.
4. The project is consistent with the General Plan's Hillside Development Policies.
5. The project conforms to the requirements of the California Environmental Quality Act.
6. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.
7. The proposed project conforms to the Riparian Corridor Policy.